

EXHIBIT 63

Letter dated April 20, 1954 to Ralph M. Gelvin
from Geraint Humphreys

Signature
Rupkey
Truswell

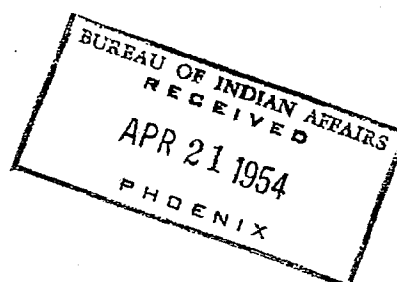
UNITED STATES
DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

FIELD SERVICE

1758 U.S. Post Office and Court House
Los Angeles 12, California
April 20, 1954

Mr. Ralph M. Gelvin
Area Director
Bureau of Indian Affairs
P. O. Box 7007
Phoenix, Arizona



Dear Mr. Gelvin:

We received a letter from Superintendent Ladd to which he attached copies of three letters, all relating to storage rights of the Walker River Irrigation Project, Nevada, and informing me that the Area Office had requested him to send them here.

A few days ago I received a copy of a letter from the United States Attorney for Nevada, to John R. Ross, Attorney-at-Law, Carson City, Nevada, having to do with the same matter. I assume that you have a copy of each of the three letters forwarded here by Superintendent Ladd. The copy of the letter from the United States Attorney does not show that you have received a copy of that, therefore a copy of it is enclosed.

From these letters it appears that Superintendent Ladd and his staff, together with Madison B. Graves, United States Attorney, are trying to work out an agreement, presumably with the Walker River Irrigation District, the purpose of which would be to have the District recognize a right on behalf of the Walker River Indian Reservation to store flood waters in its Weber Reservoir, with a capacity of 13,000 acre feet, including the right to fill and refill once each year, or a total of 26,000 acre feet each year, and that said storage right for Weber Reservoir, if recognized, would be by such agreement assigned a "right to be prior to any right subsequent to the decree in C-125 as modified on appeal". This of course refers to the decree entered in United States v. Walker River Irrigation District, et al., 104 F(2d) 344. As you know, there was a rehearing in that case which was denied, and on July 14, 1939, the Ninth Circuit Court handed

down its opinion in the case above cited. Our files indicate that the amended decree was actually entered some time between April 25th and July 15, 1940.

Our file discloses that the Indian Service commenced the construction of Weber Reservoir about July 1, 1933, but there is nothing in the record before me to indicate when it was completed and put into operation. We do have a copy of a letter from the Secretary to the Attorney General dated January 2, 1940, the third paragraph of which reads:

"Your attention was invited therein to the fact that the decree refers to and protects certain reservoir storage rights of some of the defendants; that the reservoir rights of the United States are not mentioned; that construction of the Weber Reservoir was commenced in July, 1933, and that in view of the definite provision of Article XII of the proposed amended decree declaring that the decree shall be deemed as determining all of the rights of the parties, it becomes important that the storage rights of the plaintiff with a priority of July 1, 1933, should not be adversely affected."

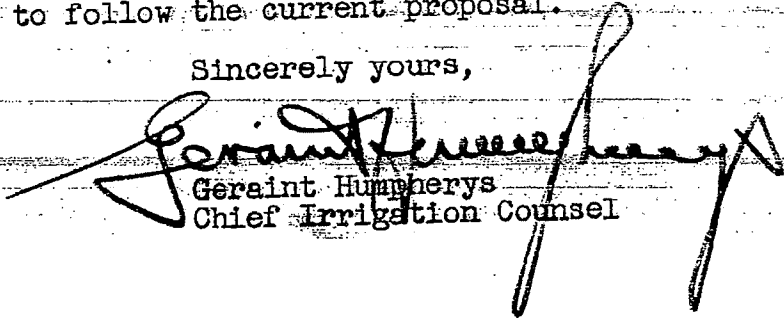
Also a copy of another letter from the Secretary dated February 12, 1940, bearing in part on the same matter. For convenient reference a copy of it is enclosed. An examination of it will disclose that the Indian Service apparently made an investigation to determine whether any storage rights had been initiated between July 1, 1933, and January 10, 1936. There is nothing in the record we have, however, to indicate whether any reservoirs had been constructed or permits issued since January 10, 1936.

You will also observe from the enclosed letter from Secretary Chapman to the Attorney General that it had been decided that the Government did file with the proper State officials notice of the completion of the Weber Reservoir as of April 15, 1936. Undoubtedly your files will disclose whether any reservoirs have been constructed or whether any permits have been issued, and also whether any notice was given, such as indicated in the enclosed copy of the Secretary's letter to the Attorney General. I mention these latter features because if such notices were filed the action taken was presumably to fix a storage right of priority as of not later than April 15, 1936. As you know, it is customary to fix priorities as of the date of

construction, or in any event not later than the date when a ditch or reservoir is completed and put into operation. If, therefore, the Weber Reservoir had been completed and put into operation some time in 1936 one ordinarily would suppose that the priority for it as against others would be not later than the date it was put in operation.

The current proposal as indicated in the United States Attorney's letter, as I understand it, is to have the priority for the reservoir or storage fixed as first in time after the entry of the Walker River Decree, as amended. As above indicated, it appears to have been some time between April 25th and July 15, 1940. If any reservoirs were constructed between 1936 and the entry of the amended decree of 1940, or if the notices were filed with the proper State officials, setting up a date of completion of the Weber Reservoir as of April 15, 1936, then it appears to me that unless those conflicts are properly resolved so as to make reasonably certain that nothing has occurred which can adversely effect the storage right for the Weber Reservoir it might be inadvisable to follow the current proposal.

Sincerely yours,



Geraint Humpherys
Chief Irrigation Counsel

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